

THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 5038 OF 2002

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Dated: 26-10-2005

Between:

Vemuluru Gram Panchayat,

Rep. by its Surpanch,

M.Satyanarayana, Vemuluru village,

Kovvur Mandal, West Godavari District ...Petitioner

A N D

1.The District Collector, West Godavari

Eluru and Others ...Respondents

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W.P.No. 5038 OF 2002

ORDER :

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1. This writ petition has been filed Vemuluru Gram Panchayat by Sarpanch M.Satyanarayana with a prayer to issue order, direction more particularly a writ of mandamus directing the respondents to hand over 'Avakunta' (kunta poramboke) situated in R.S.No.130 an extent of Ac. 37.47 cents of Vemuluru village, Kovvur

Mandal, West Godavari District to Vemuluru Gram Panchayat after removing the encroachments.

2. Matta Satyanarayana has sworn to the writ affidavit. The deponent is the elected sarpanch of Vemuluru Gram Panchayat. It is stated in the writ affidavit that Avakunta situated in R.S.No.130 admeasuring Ac. 37.47 cents is classified as 'poramboke' land and the same is set apart for the purpose of using it as drain by all the people in and around the village. The Grampanchayath submitted a petition before the Mandal Revenue Officer, Kovvur Mandal, West Godavari District-3rd respondent for entrustment of the land to it. Thereupon, the Mandal Revenue Officer made certain recommendations for entrusting the land to the Grampanchayath. Since, there is no further action at the end of the respondents, the petitioner has chosen to approach this Court by invoking jurisdiction under Article 226 of the Constitution of India, seeking the prayer stated supra.

3. Heard learned counsel for the petitioner and learned Government Pleader for Assignment appearing for Respondent No.1, learned Government Pleader for Revenue appearing for Respondents No. 2 and 3 and Sri K.Chidambaram learned counsel appearing for Respondent No.4.

4. 4th respondent has come on record as per orders in W.P.M.P.No.18156 of 2005, dated 25-10-2005.

5. Learned counsel for the petitioner submits that Mandal Revenue Officer, Kovvur Mandal-3rd respondent considered the request of the petitioner for transfer of the land to the Grampanchayath and made recommendations to the Revenue Divisional Officer, Kovvur vide Roc No. 46/2000(D) dated 12-4-2000. He further submits that the Collector has not taken any action on the recommendations made by the Mandal Revenue Officer and therefore, necessary directions are required to be given to the District Collector to pass appropriate orders on the recommendations made by the Mandal Revenue Officer. A copy of the order passed by the Mandal Revenue Officer has been placed on record. The relevant portion of the order passed by the Mandal Revenue Officer reads as follows:

"The said survey number consisting of Ac. 37.47 cents in R.S.No.130/1 an extent of Ac. 13.05 cents was assigned in favour of 6 persons by the then Tahsildar of Kovvur in the said Avakunta. Though land was assigned is not useful for

cultivation on the reason that the entire land was merged with water. Not only this land the surrounding A.W.D. land also merged with excess water and not fit for cultivation and converted into 'Avakunta'. Some unauthorized persons with an intention to occupy the Government land situated in R.S.No.130/1 an extent of Ac. 17.42 cents quarreled among them and created law and order problem in the village. For this reason if the remaining land an extent of Ac. 17.42 cents in Avakunta is handover to Gram Panchayat, it may utilize for the public purpose and there is a possibility raising funds for Gram Panchayat. If the land is under the control of Gram Panchayat there is no possibility for further encroachment.

For the above cited reasons and circumstances, it is recommended to take appropriate action to hand over the land situated in R.S.No.130/1 an extent of Ac. 17.42 cents to the Vemuluru Gram Panchayat”.

6. There seems to be no action on the recommendations made by the Mandal Revenue Officer, Kovvur Mandal-3rd respondent.

7. In that view of the matter, I deem it appropriate to direct the District Collector, West Godavari District, Eluru-1st respondent to consider the recommendations sent by the Mandal Revenue Officer and pass appropriate orders within two months from the date of receipt of a copy of this order.

8. Accordingly the writ petition is disposed of. No order as to costs.

B.Seshasayana Reddy,J

26th October, 2005.

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THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

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